



The Check-Up

Your Arizona Medical Board (AMB) E-Newsletter

Volume 9 | Fall/Winter 2022

AMB Accepts Comments on Rules

The AMB is accepting comments on its rules for Articles 1 and 4 related to medical assistants. Please see the links below, or go directly to the azmd.gov homepage for more information.

[Medical Assistants Notice of Proposed Rulemaking](#)

Comments must be received via email by 5:00pm on December 7, 2022.

Medical Assistants – New FAQs

The AMB compiled a list of frequently asked questions available on the azmd.gov website. You can find them by selecting “Medical Assistant” from the top banner of the homepage, and then clicking the link on the left in the new screen.

Scamming, Spoofing, and Phishing, Healthcare Providers are Under Attack

The Arizona Medical Board (AMB) continues to receive notice of this on-going ‘scam’. The ‘scam’ artists appear to target Arizona licensees. It is reported that calls will appear on your caller ID as if they are being made by the AMB (480) 551-2700.

The details of the purported calls vary but include allegations of large quantities of opioids or controlled drugs being found and connected to a provider. The caller then pretends to offer to act as an intermediary for the provider and asks for personal identifying information and/or financial information.

Ultimately, they ask for a transfer of funds. No agent of the AMB or AMB staff will ever contact Arizona physicians or other licensees by telephone in this manner to demand money or a form of payment. **If you receive a call such as**

the one described, refuse the demand for payment, and report the incident to the AMB.

Statutes Related to the Practice of Medicine that Every Physician Should Know

1. Supervision of PAs

32-2501(16) "Supervising physician" means a physician who holds a current unrestricted license, who supervises a physician assistant and who assumes legal responsibility for health care tasks performed by the physician assistant.

32-2501(D) - The physician assistant may provide any medical service that is delegated by the supervising physician if the service is within the physician assistant's skills, is within the physician's scope of practice and is supervised by the physician.

32-2531. Physician assistant scope of practice; health care tasks; supervising physician duties; civil penalty

H. The supervising physician shall:

1. Meet the requirements established by the board for supervising a physician assistant.
2. Accept responsibility for all tasks and duties the physician delegates to a physician assistant.
3. Notify the board and the physician assistant in writing if the physician assistant exceeds the scope of the delegated health care tasks.
4. Maintain a written agreement with the physician assistant. The agreement must state that the physician will exercise supervision over the physician assistant and retains professional and legal responsibility for the care rendered by the physician assistant. The agreement must be signed by the supervising physician and the physician assistant and updated annually. The agreement must be kept on file at the practice site and made available to the board on request. Each year the board shall randomly audit at least five per cent of these agreements for compliance.

2. Death Certificates

Many providers are unaware of their responsibilities when certifying death so when we open an investigation, physicians are surprised to learn that **a current health care provider is required to sign the death certificate within 72 hours if their patient died of an acute or chronic condition they were treating or complications of that condition OR if the ME office declines jurisdiction.** You are exempt from civil liability or professional disciplinary action if you attempted to complete the certification in good faith. ARS §36-325.

A.R.S. §36-325(G) - If a person under the current care of a health care provider for an acute or chronic medical condition dies of that condition, or complications associated with that condition, the health care provider or a health care provider designated by that provider shall complete and sign the medical certification of death on a death certificate within seventy-two hours. If current care has not been provided, the medical examiner shall complete and sign the medical certification of death on a death certificate within seventy-two hours after the examination, excluding weekends and holidays.

**Effective October 2nd, 2019, the D.A.V.E. system was implemented by DHS for hospitals, funeral home staff and physicians to process death records. Need help or info about D.A.V.E.? Call the help desk at (602) 364-2230

3.Reporting requirements

A.R.S. § 32-3208(A) - A health professional who has been charged with a *misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing **within ten working days after the charge is filed.**"

** This includes all felony charges and reportable misdemeanors, which would include charges of DUI, assault, solicitation, disorderly conduct. A list of all reportable misdemeanors is available here: [Regulation](#)

**You must report charges within 10 days after being charged not AFTER the disposition of the charges

A.R.S. § 32-3208(D) - A health professional who does not comply with the notification requirements of this section commits an act of unprofessional conduct. The health professional's regulatory board may impose a civil penalty of not more than one thousand dollars in addition to other disciplinary action it takes.

In addition to reporting charges against you, many of you may not know that physicians have a duty to report any information that appears to show that a doctor of medicine is or may be medically incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or physically unable safely to engage in the practice of medicine.

A.R.S. § 32-1451(A) - Any person may, and a doctor of medicine, the Arizona medical association, a component county society of that association and any health care institution shall, report to the board any information that appears to show that a doctor of medicine is or may be medically incompetent, is or may be guilty of unprofessional conduct or is or may be mentally or physically unable safely to engage in the practice of medicine."

**Any person or entity that reports or provides information to the board in good faith is not subject to an action for civil damages

4.Sexual misconduct

Maintaining appropriate boundaries with patients is crucial in the practice of medicine. The Board's definition of sexual misconduct can be found below:

A.R.S. § 32-1401(27)(aa) - Engaging in sexual conduct with a current patient or with a former patient within six months after the last medical consultation unless the patient was the licensee's spouse at the time of the contact or, immediately preceding the physician-patient relationship, was in a dating or engagement relationship with the licensee.

(i) Engaging in or soliciting sexual relationships, whether consensual or non-consensual.

(ii) Making sexual advances, requesting sexual favors or engaging in any other verbal conduct or physical contact of a sexual nature.

(iii) Intentionally viewing a completely or partially disrobed patient in the course of treatment if the viewing is not related to patient diagnosis or treatment under current practice standards.

5.Updating contact information

32-1435. Change of address; costs; penalties

A. Each active licensee shall promptly and in writing inform the board of the licensee's current residence address, office address and telephone number and of each change in residence address, office address or telephone number that may later occur.

B. The board may assess the costs incurred by the board in locating a licensee and in addition a penalty of not to exceed one hundred dollars against a licensee who fails to comply with subsection A within thirty days from the date of change. Notwithstanding any law to the contrary, monies collected pursuant to this subsection shall be deposited in the Arizona medical board fund.

****the Board sends all E-newsletter, Targeted e-mail blasts, and notices of investigations to the email address on file.**

Coming in 2023! Wallet Cards Return!

**Beginning in 2023, the AMB will reinstate issuance of wallet cards.
Stay tuned for more details.**

Opioid Continuing Education Requirement - Required Each Renewal Cycle

A health professional who is authorized under Arizona Revised Statutes to prescribe Schedule II - Controlled Substances and who has a valid United States Drug Enforcement Administration (US DEA) registration number shall complete a ***minimum of three hours of opioid-related, substance use disorder-related or addiction-related continuing education each license renewal cycle.*** The three hours of continuing medical education or accredited continuing education that is approved by the applicable health profession regulatory board shall be included as part of any

continuing education requirements for that health professional. (A.R.S. §32-3248.02)

From the Desk of Chief Medical Officer, William Wolf, M.D. (the Final Chapter)

How do you say farewell after nearly 18 years? During my surgical residency and surgical career, it was my honor and pleasure to interact with some of the wisest and most professional people in the country, perhaps even in the world. To my surprise and joy, I can say the same about my experience with the Arizona Medical Board and the Arizona Regulatory Board of Physician Assistants. From bosses to Board members to Board operations people, from administrators to assistant attorneys general to executive assistants, from internal medical consultants to investigators to information technologists, from office of licensing people to office of support services people, these are many of the finest people I have ever met and worked with. And I apologize if I left anyone out—I'm just not bright enough to think of any more alliterations. All these wonderful people are different, as people always are, but they are all unified in their zeal to fulfill the mission of the Boards, which of course, is to protect the public through the judicious licensing, regulation and education of physicians and physician assistants. Without exception, I shall miss you all.

Editor's Note: Speaking on behalf of Executive Director McSorley and the Staff of the Agency, Dr. Wolf's tenure has been a great benefit to the Boards and to the citizens of Arizona. We wish Dr. Wolf the best of everything life has to offer in his next adventure.

Arizona Medical Board | 1740 West Adams Street, Suite 4000, Phoenix, AZ 85007

[Unsubscribe kristina.jensen@azmd.gov](mailto:kristina.jensen@azmd.gov)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by communications@azmd.gov powered by



Try email marketing for free today!